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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,834	02/17/2006	Pierre Hermanus Woerlee	NL031035	6954

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BRIARCLIFF MANOR, NY 10510

EXAMINER
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ASHFORD, TAMARA R

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,834	<b>Applicant(s)</b> WOERLEE ET AL.	
	<b>Examiner</b> Tamara Ashford	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 17 February 2006. These drawings are accepted.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 1, 6, 7, 9, 10, and 16 all refer to a "landing zone" but there is no antecedent basis for the claimed term within the original specification.

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: "The according to claim 1" should revised to -- The method according to claim 1 --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross (US 20030081535 A1).

Regarding claim 1, Ross discloses a method for recording information on a multi layer record carrier (Paragraphs 3 and 6), the record carrier (Fig. 1, 100) comprising at least two information layers (Fig. 1, 102, and 104; and Paragraph 18) for storing the information. The method comprises acts of: dividing information to be recorded in a first one of multiple sessions into a number of portions corresponding to each of the at least two information layers (Fig. 1, 106, and Paragraphs 6 and 18); recording each of the portions of the information onto the two information layers with a superjacent jump zone and a corresponding landing zone between information layers (Fig. 1, 106C); recording remaining the multiple sessions on the record carrier (Paragraphs 3, and 18).

Regarding claim 2, Ross discloses the information of at least one of the remaining multiple sessions is distributed over at least two information layers (Fig. 1, 108, and 108B; and Paragraphs 18 and 21).

Regarding claim 6, Ross further discloses the remaining multiple sessions are recorded such that any jump zone and corresponding landing zone are superjacent (Fig. 1, 108C).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 7, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 20030081535 A1).

Regarding claim 3, although Ross discloses the information is distributed over the two information layers, whether the data is evenly distributed across the layers is not disclosed (Paragraph 7). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute the data evenly across the layers to enable tracking to be maintained and prevent system errors.

Regarding claim 7, Ross does not explicitly disclose the size of the jump and landing zones are fixed. However, Ross discusses the invention is applicable to both the opposite track path and parallel track pitch formats (Paragraph 15), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to fix the size of the middle region to facilitate reading in these formats.

Regarding claim 11, Ross does not disclose that each of the multiple sessions includes file system information of a current session and all preceding sessions. However, the examiner takes official notice that this is a known feature and including it in the method disclosed by Ross would have been obvious to one of ordinary skill in the art at the time the invention was made to prevent system errors.

Regarding claim 15, Ross discloses the method is applicable to "DVD type media" which would include DVD+R. Therefore, Ross inherently discloses recording a table of contents on the record carrier in accordance with the DVD+R standard. Ross does not disclose modifying the table of contents such that bytes BI3-BI5 include an

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indication of a last Physical Sector utilized on a layer L0 closest to a recording source.

However, determining a location in the table of contents to include an indication of a last Physical Sector utilized on a layer L0 closest to a recording source such that accordance with the DVD+R standard is maintained would require only routine skill in the art.

8. Claims 8-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 20030081535 A1) in view of Ishida et al. (US 5,930,225).

Regarding claims 8-10, and 14, Ross does not disclose the use of dummy data. Ishida et al. (hereinafter referred as "Ishida") discloses a method of recording a two layer disk (Claim 5) in which dummy data is recorded in areas of the recording layers where there is data recorded on the opposing layer (Column 10, lines 4-11). This is done to prevent system errors and reduce disk production time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize dummy data as described by Ishida with the method described by Ross to reduce disk production time. Therefore, the jump and landing zones would be preceded and followed by a dummy ECC block depending on the amount of data recorded on the layers (see Ishida Fig. 6B, and Column 10, lines 41-52).

9. Claims 12, 13, 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Motohashi et al. (US 20030202782 A1).

Regarding claim 12, Ross does not disclose the first multiple session uses lead-in and lead-out zones for the record carrier as intro and closure zones. Motohashi et al. (hereinafter referred as "Motohashi") discloses a method of recording utilizing a multi-session layout in which the lead-in and lead-out zones of the first session are used as intro and closure zones (Paragraph 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the multi-session recording layout described by Motohashi with the method disclosed by Ross to maintain compatibility with DVD-ROM drive units (Motohashi Paragraph 7).

Regarding claims 13, and 16, Ross discloses each of the multiple sessions has a jump zone, but does not disclose an intro zone, a file system info zone, or a closure zone. Motohashi discloses a multi-session recording layout in which each session has an intro zone, file system zone (as part of intro zone, Fig. 4, Session Control Data Zone), and a closure zone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an intro, file system, and closure zone for each of the multiple sessions in the multi-session recording method disclosed by Ross, as with the method disclosed by Motohashi, to maintain compatibility with DVD-ROM drive units.

Regarding claim 17, Ross does not disclose the intro and closure zones are recorded having a size of 64 ECC blocks. It would have been obvious to one having ordinary skill in the art at the time the invention was made to record the intro and closure zones with a size of 64 ECC blocks, since it has been held that discovering an

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optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### ***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Ashford whose telephone number is (571)270-5877. The examiner can normally be reached on Mon-Fri 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571)272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Craig A. Renner/  
Primary Examiner, Art Unit 2627

/T. A. /